

10/501736

Ab

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

TRACHTMAN *et al.*

Appl. No.: 10/501,736

Int'l. Filing Date: January 20, 2003

For: **Wireless Transmission with
Variable Code Rate**

Confirmation No.: 1045

Art Unit: 2661

Examiner: *To Be Assigned*

Atty. Docket: 1487.0520000

Information Disclosure Statement

Mail Stop Amendment

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent

application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Applicants have checked the appropriate boxes below.

- ☐ 1. Statement under 37 C.F.R. 1.704(d). Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this information disclosure statement.
- ☒ 2. Filing under 37 C.F.R. § 1.97(b). This Information Disclosure Statement is being filed within three months of the date of filing of a national application other than a continued prosecution application (CPA), OR within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application, OR before the mailing date of a first Office Action on the merits OR before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.
- ☐ 3. Filing under 37 C.F.R. § 1.97(c). This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.

- ☐ a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- ☐ b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- ☐ c. Attached is our PTO-2038 Credit Card Payment Form in the amount of \$_____ in payment of the fee under 37 C.F.R. § 1.17(p).
- ☐ 4. Filing under 37 C.F.R. § 1.97(d) This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Enclosed find our PTO-2038 Credit Card Payment Form in the amount of \$_____ in payment of the fee under 37 C.F.R. § 1.17(p); in addition:

- ☐ a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- ☐ b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- ☐ 5. The document(s) was/were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. 1138 OG 37, 38.
- ☐ 6. A concise explanation of the relevance of the non-English language document(s) appears below in accordance with 37 C.F.R. § 1.98(a)(3).
- ☒ 7. Copies of documents AL1, AM1, AN1, AO1, AP1, AR1, AL2, AM2, AN2, AO2, AP2, AL3, AM3, AN3, AO3, AP3, AL4, AM4, and AN4 are submitted.

However, in accordance with 37 C.F.R. § 1.98(a)(2), no copies of U.S. patents and patent application publications cited on the attached Form PTO-1449 are submitted.

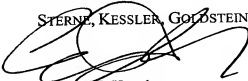
- ☐ 8. Copies of the documents were cited by or submitted to the Office in an IDS that complies with 37 C.F.R. § 1.98(a)-(c) in Application No. _____, filed _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).
- ☐ 9. It is expected that the examiner will review the prosecution and cited art in the parent application no(s). Great Britain Appl. No. 0201139.3, filed January 18, 2003 and PCT Appl. No. PCT/GB03/000238, filed January 20, 2003 in accordance with MPEP 2001.06(b), and indicate in the next communication from the office that the art cited in the earlier prosecution history has been reviewed in connection with the present application.

It is respectfully requested that the Examiner initial and return a copy of the enclosed Form PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Edward J. Kessler
Attorney for Applicants
Registration No. 25,688

Date:

15 June 2005

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Washington, D.C. 20005-3934
(202) 371-2600

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FORM PTO-1449

INFORMATION DISCLOSURE STATEMENT

ATTY. DOCKET NO.

1487.0520000

APPLICATION NO.

10/501,736

FIRST NAMED INVENTOR

Eyal TRACHTMAN

INT'L FILING DATE

July 16, 2004

ART UNIT

2661

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA1	5,912,907	06/15/1999	Stewart			
	AB1	6,009,553	12/28/1999	Martinez <i>et al.</i>			
	AC1	4,868,811	09/19/1989	Suzuki			
	AD1	4,870,642	09/26/1989	Nohara <i>et al.</i>			
	AF1	5,815,798	09/26/1999	Bhagalia <i>et al.</i>			
	AF1	5,896,411	04/20/1999	Ali <i>et al.</i>			
	AC1	5,98,2761	11/09/1999	Dutta			
	AH1	6,141,788	10/31/2000	Rosenberg <i>et al.</i>			
	AI1						
	AJ1						
	AK1						

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
		EP1189379 A1	03/2/2002	Europe			Yes No
	AL1	EP0998069 A2	05/03/2000	Europe			Yes No
	AM1	EP0998060 A2	05/03/2000	Europe			Yes No
	AN1	WO99/49592 A1	09/30/1999	PCT			Yes No
	AO1	WO97/21294 A2	06/12/1999	PCT			Yes No
	AP1						

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

Fairhurst *et al.*, "Smart codec: an adaptive packet data link," IEE Proc. Commun., Vol. 145, No. 3; pp. 180 - 185.

AR 1

AS 1

AT 1

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

FORM PTO-1449 INFORMATION DISCLOSURE STATEMENT	ATTY. DOCKET NO. 1487.0520000	APPLICATION NO. 10/501,736
	FIRST NAMED INVENTOR Eyal TRACHTMAN	
	INT'L FILING DATE July 16, 2004	ART UNIT 2661

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA2						
	AB2						
	AC2						
	AD2						
	AE2						
	AF2						
	AG2						
	AH2						
	AI2						
	AJ2						
	AK2						

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL2	EP1158699 A2	11/28/2001	Europe			Yes
							No
	AM2	EP1001544 A1	11/05/2000	Europe			Yes
							No
	AN2	EP0772317 A2	10/31/1996	Europe			Yes
							No
	AO2	WO01/91407 A1	11/29/2001	PCT			Yes
							No
	AP2	EP1128590 A1	08/29/2001	Europe			Yes
							No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	2	
	AS	2	
	AT	2	

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U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA3						
	AB3						
	AC3						
	AD3						
	AE3						
	AF3						
	AG3						
	AH3						
	AI3						
	AJ3						
	AK3						

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
		EP1126717 A1	08/22/2001	Europe			Yes
	AL3	GB2325376 A	05/14/1997	United Kingdom			No
	AM3	GB2232560 A	06/05/1989	United Kingdom			Yes
	AN3	EP0680168 A2	04/27/1995	Europe			No
	AO3	WO01/59953 A2	08/16/2001	PCT			Yes
	AP3						No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	3	
	AS	3	
	AT	3	

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Eyal TRACHTMAN

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ART UNIT

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U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA1					
	AB1					
	AC4					
	AD4					
	AE4					
	AF4					
	AG4					
	AH4					
	AI4					
	AJ4					
	AK4					

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL4	EP1179897 A2	02/13/2002	Europe		Yes No
	AM4	WO02/41520 A2	05/23/2002	PCT		Yes No
	AN4	WO01/67702 A1	09/13/2001	PCT		Yes No
	AO4					Yes No
	AP4					Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	4	
AS	4	
AT	4	

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